

REMARKS

Claims 1, 2, 5, 6, 8-16, 18-22, 25, 27-31, 34, 35, and 37-45 are rejected under 35 U.S.C. § 103(a) as being obvious over Ronn et al. (U.S. Patent No. 6,648,864). This ground of rejection is traversed.

Ronn et al. discloses an array of disposable absorbent article configurations comprising a sequence of designs corresponding to a wearer's stages of development. This merchandising system facilitates the selection of an absorbent article based on a particular stage of development. The system includes indicia exhibiting pictorial representations of the absorbent article configurations fitted to the wearer at corresponding stages of development, enabling a consumer to choose the appropriate absorbent article configuration for a particular wearer.

In contrast to Ronn et al., applicant has invented a product that is tailored to the fit and absorbency needs of users, and a visual identification device that identifies absorbent products predicted to satisfy the users fit and absorbency requirements. The identification device has product designations that identify absorbent products, size designations that relate to the sizes of the absorbent articles, and absorbency designations that relate to the absorbent properties of the absorbent articles.

The Examiner contends that Ronn et al. discloses a visual identification device for absorbent articles comprising two or more size designation and two or more product designations. The Examiner acknowledges that Ronn et al. is silent regarding absorbency designations. However, the Examiner contends that it would have been obvious that different sizes and stages of development require different absorbencies, and it would also be obvious to inform the consumer of this fact. Applicant strongly disagrees with this conclusion.

Three criteria must be met to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations (MPEP § 2143).

The Examiner acknowledges that Ronn et al. fails to disclose a key element of the claimed invention: the use of absorbency designations on an absorbent article. Applicant

submits that one skilled in the art reading the reference disclosure would be left with the impression that absorbency characteristics are simply proportional to the size of the garment (and user). A bigger size absorbent article is provided with higher absorbency, and a smaller size absorbent article is provided with relatively lower absorbency characteristics. In view of this disclosure, it would not be obvious at all to make absorbent articles of the same size while having different absorbency characteristics.

Applicant maintains that size and absorbency characteristics are two different elements or features of the absorbent article, and these two features are not directly proportional to each other in every instance. For example, some consumers may require a small size absorbent article but at the same time desire to have higher absorbency characteristics, i.e. pantiliners or other feminine hygiene products used during menstrual periods are small size absorbent articles but at the same time require a higher degree of absorbency. This is precisely why the absorbency cannot always be directly linked to size.

In contrast to Ronn, et al., applicants absorbent articles are provided with different combinations of size and absorbency. The articles of this invention provide for products with the same size and absorbency characteristics. However, the present invention also provides that some articles with the same size characteristic may have different absorbency characteristics. Further, the present invention also provides that articles with the same absorbency may come in different sizes. These characteristics are not obvious from Ronn et al. which, as acknowledged by the Examiner, is silent regarding absorbency.

Accordingly, the present application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Reconsideration of the rejections and allowance of the pending claims of this application are therefore respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to facilitate the prosecution of this application.

Dated: 4/11/06

Respectfully submitted,

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